

Application Serial No. 10/706,979
Office Action mailed July 28, 2006

Attorney Docket No.12361-223

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REMARKS

Claims 1-11 are pending in this application. Claims 1 and 4 are amended. No new matter is entered to the claims. The amendments and the following remarks are made to minimize the number of outstanding issues with this application and to place the application in better form for appeal. Accordingly, Applicants respectfully request that the claim amendments and remarks be entered and considered by the Examiner.

I. Rejections under 35 U.S.C. § 112

Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. In rejecting the claims, the Examiner stated that the limitations of "wherein the liner is configured so that products of combustion enter the cooking chamber through said port only after traversing an outside of at least two additional walls of the liner ..." is vague because it is allegedly unclear what the relationship the two additional walls have with the already recited structure. Claim 1 is amended to require that the liner "is configured so that products of combustion enter the cooking chamber through said port only after traversing past said rear wall, substantially the entire length of said top wall, and said side wall" Amended claim 1 specifically describes the flow path of the products of combustion through the oven and satisfy the requirements of 35 U.S.C. § 112, second paragraph. The claimed flow path is shown in at least as filed FIG. 2. Accordingly, no new matter has been added.

The Examiner additionally stated that claim 1 was improper because it is allegedly unclear what location or orientation would necessarily constitute in front of, which of the plate or opening are coaxial with the fan, and how or by what means the mixture is expelled into the cooking cavity. Claim 1 is amended to recite "a plate having a circular opening disposed between said cooking cavity and said fan and said opening being coaxial with said fan ..." Applicants believe that the amended limitations satisfy the requirements of 35 U.S.C. § 112, second paragraph.

Applicants respectfully assert that the "expelled" limitation is definite and satisfies the requirements of 35 U.S.C. § 112, second paragraph. Specifically, the claim recites that the heated air passing through the port (in the claimed rear wall) and through the

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opening (in the claimed plate of the claimed baffle and guard assembly) is mixed and expelled *by said fan* into the cooking cavity. Accordingly, the claim is definite because the fan expels the mixture into the cooking cavity. The fan's structure and operation is sufficiently described in the specification and drawings to allow one of ordinary skill in the art to appreciate how the fan expels the mixture into the cooking cavity. Applicants respectfully submit that these limitations are definite and satisfy the requirements of 35 U.S.C. §112, second paragraph. Applicants respectfully request that this rejection of claims 1-11 be withdrawn.

II. Rejections under 35 U.S.C. § 103(a)

Claims 1-7 and 10-11 are rejected as unpatentable under 35 U.S.C. § 103(a), in view of the combination of U.S. Patent No. 5,601,070 to Hotard ("Hotard"), U.S. Patent No. 5,497,760 to Alden ("Alden"), U.S. Patent No. 4,928,663 to Nevin ("Nevin"), U.S. Patent No. 4,395,233 to Smith ("Smith"), and U.S. Patent No. 4,813,398 to Savage ("Savage"). Applicants respectfully traverse this rejection. Claim 1 has been amended to recite that "the liner is configured so that products of combustion enter the cooking chamber through said port only after traversing past said rear wall, substantially the entire length of said top wall, and said side wall" Because this structure is not disclosed or suggested in the combination of Hotard, Alden, Nevin, Smith, and Savage, either alone or in combination, this rejection of claim 1 should be withdrawn.

Specifically, while Hotard, Alden, Nevin, and Smith include descriptions and figures showing potential flowpaths within a convection oven, none of these references disclose a flow path past the side wall, substantially the entire length of the top wall, and the rear wall of a liner that defines a cooking cavity. While each of Hotard, Nevin, and Smith disclose flow paths past a side wall and a rear wall of an oven, each of these references disclose flow paths where air or combustion products can flow past a portion of the top wall less than substantially the entire length of the top plate, which reduces the surface area of the liner that the receives flow. Accordingly, the claimed dual flow convection oven, which requires the products of combustion to flow past substantially the entire length of the top surface maximizes the heat transfer from the products of combustion to the top wall, and accordingly, maximizes the amount of radiant heat

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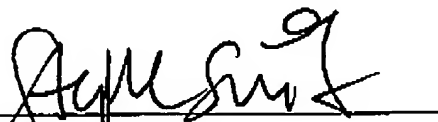
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transferred to the cooking cavity from the top wall. Because the combination of references cited by the Examiner does not disclose or suggest all of the limitations of claim 1, Applicants respectfully request that the rejection of claim 1 be withdrawn. Claims 2-7 and 10-11 depend from claim 1 and by definition are similarly patentable.

Claims 8-9 were rejected under 35 U.S.C. §103(a) as obvious over the combination of Hotard, Alden, Nevin, Smith, and Savage discussed above, in further view of U.S. Patent No. 3,963,410 to Baysinger ("Baysinger"). Applicants respectfully traverse this rejection. Claims 8 and 9 depend from claim 1. The combination of Baysinger and the other references combined in this rejection does not disclose or suggest all of the limitations of claim 1, specifically that the "liner is configured so that products of combustion enter the cooking chamber through said port only after traversing past said rear wall, substantially the entire length of said top all and said side wall" Accordingly, Applicants respectfully request the rejection to claims 8-9 be withdrawn.

Claims 1-11 are patentable. Applicants respectfully request the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for Applicants via telephone at (312) 222-8124 if such communication would expedite this application.

Respectfully submitted,



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